

2:18-cv-02061- CDJ
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
Ex rel: CARRUTH, KIM

Correspondent

V.

STATE OF PENNSYLVANIA
JOSH SHAPIRO dba Acting
ATTORNEY GENERAL
MUNICIPAL CORPORATION etals

Respondent(s)

C.R.I.S. # 1709-01977
Term 2017
OPA No. 611282800
Book # 529 page 578 & C
DOC. ID # 50175718
DATED 8/31/2000
RECORDED 11/24/2000

IN CAMERA HEARING
AMENDMENT OF CLAIM

Equity shall not allow A Trust to fail for want of a Trustee

MOTION FOR DECLARATORY JUDGMENT

TO THE CLERK OF COURT

To WIT:

MOTION FOR DECLARATORY JUDGMENT

AND NOW THIS 11th day of OCTOBER 2018, it is hereby filed and recorded a definitive Affidavit for Claim under Declaratory Relief; Pursuant to this court's admonition as contained in Footnote 3, dated 7th day September 2018, this Court of Equity and its Ministerial Officer will read and record this Affidavit, as its stands as truth; the "actual controversy".

Correspondent entered this as an action for the recovery of the possession of lot 108 West Godfrey, Pennsylvania 19102 and seeks relief under this court with equity jurisdiction; with granted to render relief; this [cause] rose out of Forged documents and a Falsified Summary

Judgment disguise under docket # 170901977, which lacked Tax Lien(s) or Judgment(s); filed by *liable* Respondent's in this present cause of action;

Pursuant to this court's captioned as contained in Footnote **2**, dated 27th day of September 2018; Correspondent denies assertion that Respondent's filed in a timely manner. Correspondent original filing was recorded and received by this court of equity, the 17th day of MAY 2018 and no Respondent's answer was received by the 17th day of JUNE 2018. Correspondent shall exercise and reserve its right(s) and liberties to obtain discovery to any count or claim written to validate its claim. "But where a party discovers that . . . [h]e has thereby been deprived of property; or where there has been fraud of any kind . . . so that no regular remedy is left him, he may obtain redress by filing a Libel of Review. The subsequent proceedings will be such as equity demands". **Benedict [6th Edition] § 275, pg. 119, 120**; Correspondent shall not be held to the same standards as court barons.

EQUITY JURISDICTION GRANTED

Pursuant to Article III section **2.**, the Judicial power of the uNITED STATES, shall extend to all cases/causes in law and **equity**, arising under this Constitution, to all cases affecting Admiralty, Maritime jurisdiction; to "controversies" between two or more parties **claiming land**. The trial of all crimes shall be by jury, in the state where said crime was committed. This court has power to render relief under its jurisdiction and causes of action, cognizable in equity against said liable Respondent(s).

I. AFFIDAVIT FOR CLAIM/COMPLAINT

COMES NOW, Correspondent having full, first-hand knowledge of the averments herein and by making this affidavit of her own first-hand knowledge, affirms that the averments stated herein are true and correct to the best of her knowledge and conscience.

1. **WHEREAS**, Correspondent, as the Registered and Entitlement Holder with superior claim of the instrument (H105.102), now recorded and conveyed in Pennsylvania; which formed a cestui que Trust [under International Maritime Law via Cestui Que Vie Acts 1540, 1666, and 1707]

and in the FRB second district (Philadelphia County) and rooted in Bank/Street Name: CARRUTH with the PA Treasury number 030974-1965; (BC) aka IRS NAME CONTROL:CARR; EIN# xx- xxx3408;

2. **WHEREAS**, Correspondent, as the Registered and Entitlement Holder with superior claim; conveyed, pledged its security and settled a deed of trust/land patent under contract dated 8/31/2000 on Book (VSC) 529 page 578 + C in the County of Philadelphia; which was recorded under 50175719; being Account No. 61-1-2828-00; being Registry No. 139 N 6-310 tied to land patent, c/o 108 West Godfrey Avenue- 19102;
3. **WHEREAS**, Correspondent, as the Registered and Entitlement Holder with superior claim, tendered *it's* obligation (12 USC 8) and under (Article I section 10 US Const.) with the Federal Reserve Bank Agency-2D servicer's agent, Blessed Rudolph aka BANK OF AMERICA, N.A. dba PNC MORTGAGE CORP, the 29th day of MARCH 2017; therefore all other assignments are deemed void;
4. **WHEREAS**, On or about the 19th day of MARCH 2018; under the watchful "eye" of the Ecclesiastical officer, Judge Milton Younge dba J411 for CCP; the above evidence of "the *alleged* abandon note" was openly presented under C.R.I.S account # 170901977; seeking redemption from damage, injury and harm;
5. **WHEREAS**, on the 19th day of MARCH 2018 after careful review of the "actual controversy", Judge Milton Younge stated that Respondent(s) etals "have deluded Correspondent's securities and have attempted to bar *it's* Equity through foreclosure"; he further questioned the liable Respondent [PATTERSON], "*how did BANK OF AMERICA received tender and then attempt to mortgage the parcel for the same amount to you [PATTERSON] ?; Which no reply was offered.* (transcripts are available);
6. **LET IT BE FURTHER KNOWN**, that PATTERSON etals alleged consideration was given to CARRUTH's previous tendered Note and Mortgage Deed; the tract of land patent in this action may not be obtained by mistake of law or misrepresentation; and clear title shall transfer to the previous purchaser, ...*Hughes v. United States, 4 Wall. (U.S.) 232 (1866)*....

for CARRUTH can be the only "accommodation party" pursuant to **26 USC 1040**, who issues securities as the "appropriate person" to Transfer "real property"; the contract between CARRUTH and PNC can not be impaired

7. **FOR THE RECORD**, this claim is tied to **Title 18 U.S.C. 1001 (3)**; as forged documents relative to the "*patent land title*" secured by the Registered Entitlement Holder's security instrument. As this will serve as a sufficient and plausible claim;
8. **WHEREAS**, the liable Respondent(s), attached to this cause, is Philadelphia County's, Robert Elf'ant, Matthew Brushwood etals, Blessed Rudolph, BANK OF AMERICA, N.A. etals, Steve Wulko, Jewell Williams, James Leonard and James Patterson, Sr. etals, are *all* liable parties to this fraudulent transfer of CARRUTH's "land patent" from a Trust; the liable Respondent(s) conspired to "act" as CARRUTH, by forging their signatures on legal documents; **Title 18 U.S.C 1001 (3)**; nothing short of RICO, Bank Fraud, Identity Theft, False claim and Trust Theft by deception and a host of other violations for pecuniary gain; **pursuant to Title 18 U.S.C. 3571**; He who comes into equity must come in with clean hands and just because the mortgage was foreclosed, does not mean the Respondent(s) nor any purchaser thereafter is entitled to possession of the property nor legal title (**cf. FL. Stat 697.02**). **Equity will not allow a statute to be used as a cloak for fraud.**
9. **AT ALL TIMES**, liable Respondent(s) caused a breach and impairment of CARRUTH's contractual obligation in adversity to the United States under 12 U.S.C 95(a);
10. **FOR THE RECORD**, there is a mistake, a proper Motion to the Clerk of COURT was given where Correspondent consented to this proceeding (**cf. FRCP 73**). Furthermore, Respondents failed to answer within time allowed, evidence of that was provide to this court by and through USPS original receipts of Certificate of Service rendered;
11. **AT ALL TIMES**, liable Respondent(s) conspired to interfere, prevent, deterred with Correspondent's rights and privileges thus causing harm to its reputation, damage to it's public/private record and impaired it's contractual obligation with PNC Corporation; therefore injuring my person in my property on account; by forging legal documents for the

sole purpose of issuing and cancelling out a series of amortized securities rooted in name and style of CARRUTH, ~~42 U.S.C sec 1985 (1)(3);~~

Date:

October 17th, 2018

By:

On behalf of CARRUTH, KIM-Correspondent

II. DECLARATORY JUDGMENT FOR RELIEF

This Declaratory Judgment is conclusive, lawful and legally binding as to the present and future rights of the liable Respondent(s) involved. The Respondent(s) involved in a declaratory judgment may not later seek another court resolution of the same issue unless they appeal the judgment. Correspondent seeks the following relief with proper Bill of Equity annexed:

1. The liable Respondent(s), attached to this cause are U.S Citizens,... is Philadelphia County's, Robert Elf'ant, Matthew Brushwood, Blessed Rudolph, BANK OF AMERICA, N.A. its agents/ATIMA etals, Steve Wulko, Jewell Williams, James Leonard and James Patterson, Sr. its agents etals;
2. All other non- liable Respondent(s) listed in this cause shall be held harmless and are **NOT** liable parties;
3. All other non-labile Respondent(s) listed in this cause may be called upon for Full Audit of Account etc; should the need arise and will remain as **NON** liable parties;
4. Relief shall be GRANTED for the peaceable possession of land patent situated at 108 West Godfrey, Pennsylvania;
5. Relief shall be GRANTED to reconvey the error on record and restore record back to it's original settler/registrant of said Security Note and Mortgage aka CARRUTH;
6. Relief shall be GRANTED to issue an Order and or Writ of Replevin and to dismiss any future acts of trespass against this Trust [E]state with prejudice, in favor of Correspondent, it's heir, agents and ATIMA;
7. That Correspondent is AWARDED cost of Seventy-Three Thousand Dollar USD, it tendered to Respondent-BANK OF AMERICA and execution is hereby issued therefore;
8. That Respondent, BANK OF AMERICA to issue fee(s) associated with recording in

PHILADELPHIA COUNTY for re-storing the record back into CARRUTH and execution is hereby issued therefore;

9. That Respondent(s) has no right, title or interest in said "land patent" aka premises or lien thereon;
10. That because of failure of a lawful consideration the note and Mortgage dated after August 31st 2000, and any such sale after this date is null and void, of no effect.
11. That the provision in the Pennsylvania Constitution and any Pennsylvania Statue limiting the Jurisdiction of this Court is repugnant to the Constitution of the UNITED STATES and to the Bill of Rights of the Pennsylvania Constitution and is null and void and that this Court has **legal** and **equity** Jurisdiction to render complete Justice in this Cause.

Dated October 11th 2018

BY THE COURT

JUSTICE OF THE PEACE

Honorable C. Darnell Jones

MEMORANDUM FROM THE GREAT CHARTER KJV

"When a man or woman shall commit any sin that men commit, to do a trespass against another, then they shall confess their sin which they have done; and he [PATTERSON] shall recompense his trespass with the Principal [CARRUTH] thereof, and add unto it the fifth part thereof; and give it unto her against whom he hath trespassed".....so it is written.

Numbers 5: v 5-7-KJV

"...That I should bear witness to the truth."

John 18:37 KJV

"And in their greed they will exploit you with false words. Their condemnation from long ago is not idle, and their destruction is not asleep." **2 Peter 2:3 NEV**

"They coveted fields and plundered orphans and tyrannised over houses; they plundered a man and his household - a man and his inheritance;"

MICAH 2:2 THE SEPTUAGINT BIBLE



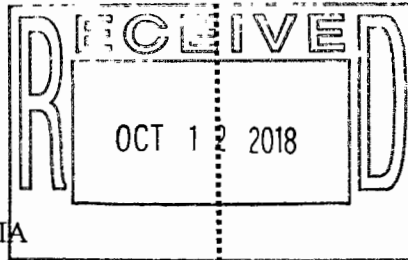
2:18-cv-02061- CDJ
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
Ex rel: CARRUTH, KIM

Correspondent
v

STATE OF PENNSYLVANIA
JOSH SHAPIRO dba Acting
ATTORNEY GENERAL
MUNICIPAL CORPORATION etals

Respondent(s)



C.R.I.S. # 1709-01977
Term 2017
OPA No. 611282800
Book # 529 page 578 & C
DOC. ID # 50175718
DATED 8/31/2000
RECORDED 11/24/2000

IN CAMERA HEARING
AMENDMENT OF CLAIM

Equity shall not allow A Trust to fail for want of a Trustee

TO THE CLERK

PLEASE ENTER A DECLARATORY JUDGEMENT

I certify that a copy of this document was mailed to the following Respondents listed below

on ~~October~~ **October 11th** 2018

/s/

Carruth, Kim, Beneficiary
c/o 108 Godfrey Avenue
Pennsylvania 19120

BY THE COURT:

C. DARNELL JONES, II, J.



57
USA

2:18-cv-02061-CDJ
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
Ex rel Carruth, KIM
Correspondent

v

STATE OF PENNSYLVANIA
JOSH SHAPIRO dba Acting
ATTORNEY GENERAL
MUNICIPAL CORPORATION etals

Respondents(s)

CAUSE # 2:18-cv-02061-CDJ

C.R.I.S. # 1709-01977
Term 2017
OPA No. 611282800
DOC. ID # 50175718
DATED 8/31/2000
RECORDED 11/24/2000

ORDER

CONFIDENTIAL-
REQUEST EQUITY IN CHAMBERS

ORDER

AND NOW, this ____TH____ day of ____OCTOBER____, 2018 upon consideration of Correspondent's claim and support thereof, and upon consideration of the above relief sought and presented, the Court determines Correspondent's request for RELIEF is GRANTED as a matter of law, and equity and it is hereby:
ORDERED and DECREED that action is entered in favor of Correspondent of Record, et al

BY THE COURT:

Honorable, C. DARNELL JONES, II, J.

